

CLERK'S OFFICE U.S. DIST. COURT
AT ROANOKE, VA
FILED

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

AUG 03 2005

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PAUL LEE WELLS,) CIVIL ACTION NO. 7:04CV00335
Petitioner,) CRIM. ACTION NO: 3:02CR00081
v.)
UNITED STATES OF AMERICA,) FINAL ORDER
Respondent.) JUDGE NORMAN K. MOON

Before the court are: (1) Petitioner Paul Lee Wells' motion to vacate, set aside, or correct his sentence pursuant to 28 U.S.C. § 2255, filed June 28, 2004; and (2) the government's motion for dismissal, or in the alternative, for summary judgment, filed February 25, 2005. For the reasons set forth in the accompanying memorandum opinion, it is hereby

ADJUDGED AND ORDERED

as follows:

1. Respondent's motion for dismissal shall be and hereby is GRANTED;
2. Petitioner's motion to vacate, set aside or correct his sentence, pursuant to 28 U.S.C. § 2255, shall be and hereby is DENIED.
3. This action is hereby stricken from the active docket of the court.

The Clerk is directed to sent certified copies of this order and the accompanying memorandum opinion to petitioner and to counsel of record for respondent.

ENTERED:

Norman K. Moon
United States District Judge

8/3/05
Date